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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,187	03/28/2002	Mark Jeffries	55954	4765

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POLSINELLI SHALTON & WELTE, P.C.  
700 W. 47TH STREET  
SUITE 1000  
KANSAS CITY, MO 64112-1802

EXAMINER

RODGERS, MATTHEW E

ART UNIT PAPER NUMBER

3677

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/063,187

Applicant(s)

JEFFRIES, MARK

Examiner

Matthew E. Rodgers

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the tab having an outer shape selected from the group consisting of triangular, square, and rectangular and the handle being used on emergency vehicles must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claims 1-25 are objected to because of the following informalities:

- a) Claim 1, line 2, "said base top edge" lacks antecedent basis.
- b) Claim 15, line 3, "said base top edge" lacks antecedent basis.
- c) Claims 1-25, "substrate member" is unclear since it is not accurately descriptive (since the Tenth Edition of Merriam-Webster's Collegiate Dictionary provides that a substrate is "a base on which an organism lives" or "a substance acted upon (as by an enzyme)" the Examiner suggests changing the term "substrate" to --faceplate--).

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 3, the recitation "and combinations thereof" renders the claim indefinite because: a) it is unclear which combinations of shapes are being claimed, and b) it is unclear how the tab may be more than one shape simultaneously.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-11, and 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,042,676 to Gohlke (hereinafter "Gohlke"). Gohlke shows a D-ring handle having a D-shaped ring member (6) having a curved leg (lower loop) and a base (upper horizontal portion as generally designated at 6 in Figure 1) and at least one tab (14) integrally connected to a top edge of the base with the D-shaped ring being rotatably attached to a substrate or faceplate member (4). The base is also rotatably attached to the substrate member (4). The base has two tube or block members (hinge portion) having holes therethrough and the substrate

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member has a pair of opposed protrusions (3) which receive and hold a pin member (7) which passes through the tube or block members to rotatably attach the D-shaped ring to the substrate. The shape of the tab (14) can be characterized as triangular, U-shaped, square, rectangular, L-shaped, and J-shaped as shown in Figure 4. The base is rectangular shaped since it has at least a rectangular cross section in portions thereof. The leg and base are integrally attached to one another.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 12-15, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. Des. 317,398 to Hansen et al (Hansen '398) in view of Gohlke.

Hansen '398 shows a handle having a D-shaped leg member hingedly attached to a generally rectangular base member with two opposed supports joining the D-shaped ring member and the base that are hingedly attached to a foot member (extending axially along the axis of rotation of the handle into the lock mechanism) that rotates relative to a faceplate or substrate member to actuate a latch member.

However, Hansen '398 does not show the use of a tab.

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Gohlke teaches that it is old and well known in the art to provide a tab (14) on a D-shaped leg member of a handle that is hingedly attached to a base member for the purpose of limiting the rotational movement of the D-shaped leg member relative to the base member.

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to make the handle of Hansen '398 having a tab for the purpose of limiting the rotational movement of the D-shaped leg member relative to the base member as taught by Gohlke.

Hansen in view of Gohlke does not explicitly show a handle used on emergency vehicles. However, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the handle on emergency vehicles or any other vehicle since a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Claims 7, 13, 15, 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gohlke in view of U.S. Patent No. Des. 323,776 to Hansen (Hansen '776). Gohlke shows a D-ring handle having a D-shaped ring member (6) having a curved leg (lower loop) and a base (upper horizontal portion as generally designated at 6 in Figure 1) and at least one tab (14) integrally connected to a top edge of the base with the D-shaped ring being rotatably attached to a substrate or faceplate member (4). The base is also rotatably attached to the substrate member (4). The base has two tube or block members (hinge portion) having holes therethrough and the substrate member has a pair of opposed protrusions (3) which receive and hold a pin member (7)

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which passes through the tube or block members to rotatably attach the D-shaped ring to the substrate. The shape of the tab (14) can be characterized as triangular, U-shaped, square, rectangular, L-shaped, and J-shaped as shown in Figure 4. The base is rectangular shaped since it has at least a rectangular cross section in portions thereof. The leg and base are integrally attached to one another. The assembly is mounted on a pair of opposed supports (two halves of plate 8)

However, Gohlke does not show that the substrate or faceplate has an outer flange and a recess or that the pair of opposed supports are attached to a foot member that rotates to actuate a latch member.

Hansen '776 shows that it is old and well known in the art to mount a handle within the recess of a faceplate or substrate that has an outer flange and to a foot member that rotates to operate a latch for the purpose of providing a convenient flush mounted handle to operate a latch that does not protrude from the faceplate or substrate to cause an obstruction.

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to mount the handle of Gohlke in the way shown by Hansen '776 where the pair of opposed supports would be mounted to the foot member of Hansen for the purpose of providing a convenient flush mounted handle to operate a latch that does not protrude from the faceplate or substrate to cause an obstruction as taught by Hansen '776.

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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 5,493,881 to Harvey shows a flush mounted handle on an emergency vehicle.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Rodgers whose telephone number is (703) 306-3406. The examiner can normally be reached on regular work hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

  
MR

April 21, 2003

  
ROBERT J. SANDY  
PRIMARY EXAMINER